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## **STAFF COMMENTS FOR PLANNING COMMISSION**

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**MEETING DATE:** November 15, 2006

**SITE PLAN:** **SP-05-0011**

**TITLE:** **Bozzuto at North Summit**

**REQUEST:** **CONSENT APPROVAL  
FINAL PLAN APPROVAL EXTENSION**

**ZONE:** CBD (Central Business District)

**APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER:** (as applicable)

Applicant/Developer: Clark Wagner – Bozzuto Homes, Inc.  
Architect: Valerie Hochman- SK & I Architects and Planners  
Engineer: Jim Ruff – Macris, Hendricks, and Glasscock, PA

**STAFF PERSON:** Jacqueline Marsh, Planner

**Enclosures:**

Staff Comments

Exhibit 1: Location Map

Exhibit 2: Minutes of the November 16, 2005, Planning Commission Meeting

Exhibit 3: Letter requesting an extension of the final site plan SP-05-0011

## **STAFF COMMENTS:**

This plan proposes the construction of 45 single family attached units on a 2.02 acre parcel of land on the corner of North Summit Avenue and Park Avenue (Exhibit #1). The site plan was approved on November 16, 2005.

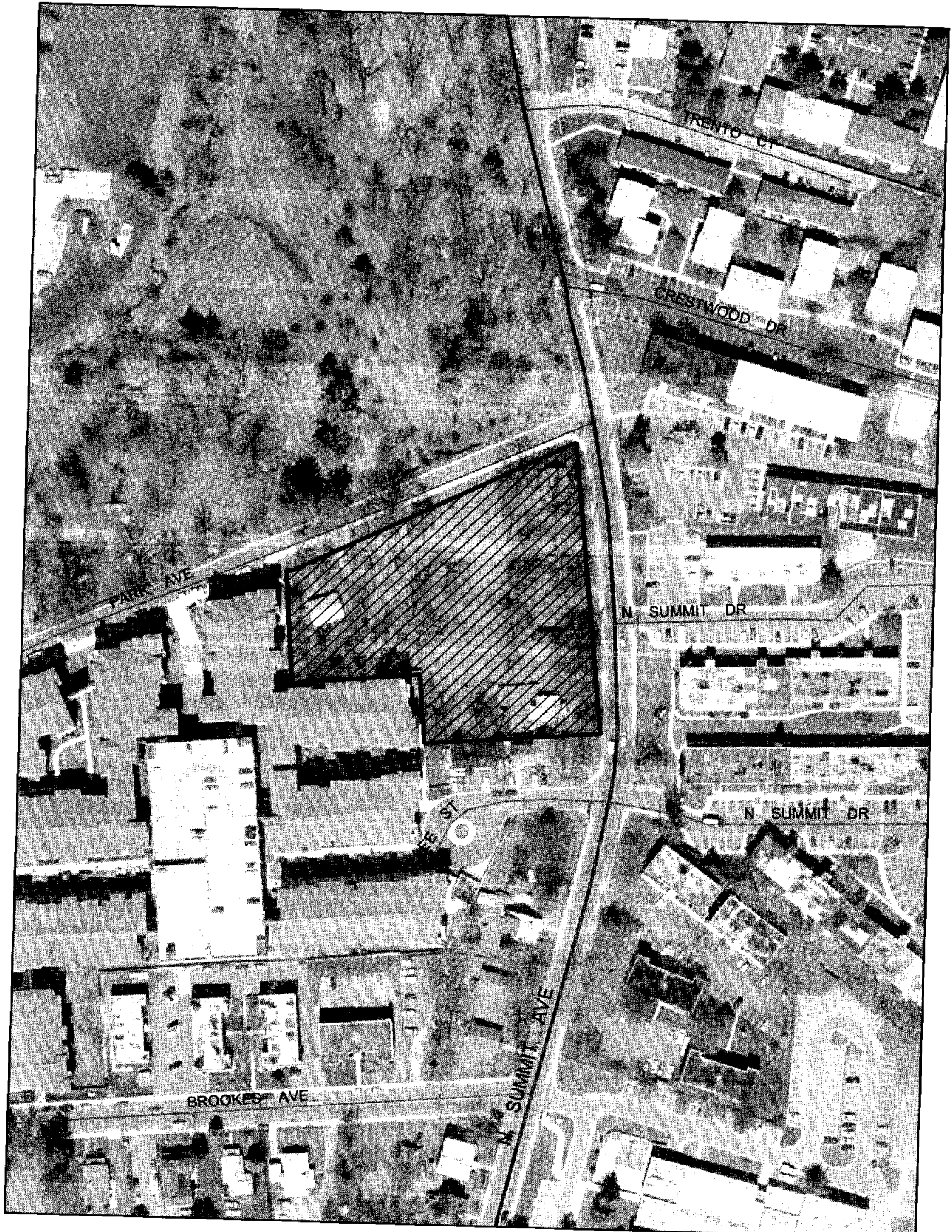
In accordance with §24-173(a), an applicant representative has submitted a letter requesting an extension of the final site plan approval for SP-05-0011 (See Exhibit #3). Section 24-173(a) states the following:

One or more of the uses proposed for land which is the subject of the site development plan shall be established on such land within three hundred sixty-five (365) days after the date of approval of the plan or the plan shall become void; provided, that the planning commission may extend such time upon request filed within such three hundred sixty-five (365) days and may grant further extensions upon request filed within the period of any extension; provided, that the total length of such extensions shall not exceed two (2) years.

The letter for the extension of the subject site plans were submitted within the 365-day period (October 31, 2006). The Planning Commission may grant an extension for a one-year period. (In the future, the applicant can ask for one more extension.)

Staff recommends **CONSENT APPROVAL OF THE EXTENSION OF FINAL SITE PLAN APPROVAL REQUEST** of SP-05-0011 as it conforms with §24-173(a), with the previously approved conditions.

Park Avenue at North Summit Avenue  
SP-05-0011 Bozzuto Homes



PENGAD-Bayonne, N. J.  
SP-05-0011  
# 1  
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The Commission had no concerns and moved as follows:

Commissioner Levy moved, seconded by Vice-Chair Hicks, to recommend to the City Council ADOPTION of Text Amendment T-367.

Vote: 5-0

- T-369 -- Ordinance to amend City Code Chapter 24, entitled, "Zoning," Article III, entitled, "Regulations Applicable to Particular Zones," Division 21, entitled, "CBD, Central Business District," so as to eliminate references of the Olde Towne Business District Community Development Corporation (CDC), and to amend § 24-160F.5, entitled, "Waiver of Development Standards," so as to allow building heights not to exceed nine (9) stories.

Planning and Code Administration Director Ossont indicated that the joint public hearing on the above application was held on October 17, 2005, and that the Commission's record had closed. He provided a brief explanation of the text amendment and, in response to Chair Bauer, noted that it would facilitate the implementation of the recently-adopted Olde Towne District Master Plan (MP-1-05).

The Commission made the following motion:

Commissioner Levy moved, seconded by Commissioner Winborne, to recommend to the City Council ADOPTION of Text Amendment T-369.

Vote: 5-0

- T-370 -- Ordinance to amend City Code Chapter 24, entitled "Zoning," Article VIII, entitled, "Amendment Procedure," § 24-199, entitled, "Appeals," so as to correct the language and clarify the effect of an appeal on a zoning action by the City Council.

City Attorney Borten provided a brief explanation of the proposed text amendment and stated that it was the subject of a joint public hearing on October 17, 2005, and the Commission's record closed with no additional exhibits on November 7, 2005.

Commissioner Levy moved, seconded by Commissioner Winborne, to recommend to the City Council ADOPTION of Text Amendment T-370.

Vote: 5-0

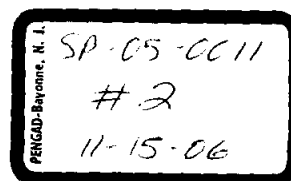
### III. SITE PLANS

SP-05-0011 -- Bozzuto at North Summit  
North Summit and Park Avenues  
Townhouse Redevelopment  
FINAL PLAN REVIEW

CBD Zone

Chair Bauer referenced a letter from the applicant requesting the Commission to waive § 8A of the Rules of Procedure due to the submittal of revised plans after the deadline.

*Bozzuto Homes, Inc., Vice President Clark Wagner*, in response to Commissioner Hopkins, provided evidence of good cause for the waiver request noting the plans were revised again to achieve a better proposal. The Commission made the following motion:



Vice-Chair Hicks moved, seconded by Commissioner Hopkins, to waive Rules of Procedure § 8A.

Vote: 5-0

Associate Planner Marsh listed new exhibits added to the record and noted that due to the latest revision to the plan, the staff conditions were revised as well. She located the site and provided background information about the previous approvals.

Mr. Wagner presented the proposed plan and compared it with the original Olde Towne Master Plan and the approved concept plan focusing on the improvements in the latest proposal, which included the saving of three significant trees, better internal circulation and unit layout, and a redesigned corner park. He presented and discussed a perspective of Summit Avenue and diagrams of the proposed park and of the public spaces in the interior of the site, focusing on the units framing the park, paving textures, bench locations, fencing and a stone wall, and perimeter landscaping, among other features. Regarding the architecture, Mr. Wagner presented streetscapes for Summit and Park Avenues, noting siding and brick units, interspersed.

Mr. Wagner listed the Central Business Zone approval criteria that the proposed plan meets. He noted the plan addresses and incorporates elements of the Strategic Plan of the City, particularly relating to Strategic Direction #3 and demonstrated how this evening's plan meets all the criteria in § 24-170 of the Zoning Ordinance. He addressed an issue raised in the Staff Comments regarding parking, and added that the parking demand by this community would not be as high as other residential developments due to the population expected in this project, i.e., "empty-nesters" and singles.

In response to Commissioner Hopkins, Mr. Wagner noted the proposed streetscape repeats the same townhouses in a rhythmic approach between end units, similarly to Kentlands' Chevy Chase Street. He also answered Commissioner Levy's inquiries about the addition of a window on side elevations and materials.

Speakers from the public included:

*Richard Arkin, 121 Selby Street*, spoke positively regarding the plan's circulation and corner park. However, he voiced disappointment about the absence of a focal point to identify the development as a signature site, and about the landscaping and architecture due to the lack of unit variation and materials.

*Linda Gore, 60 Oak Shade Road*, questioned the validity of the applicant's assertion that the proposed development would not attract families with children and, therefore, the parking needs would be less demanding. In response to Chair Bauer, it was noted the plan provides 10 spaces for visitor parking on Park Avenue.

*Myun O. Kim, 222 Lee Street*, voiced a concern that the proposed project towers over her house.

Ms. Marsh stated the plan complies with Zoning Ordinance §24-170, subject to conditions that she listed.

The Commission commented favorably on several aspects of the plan, (e.g., trees, parking ratio); however, they found the proposed streetscapes in need of variety and recommended adding new facades with a variety of cornices. The Commission called for the introduction of at least three new and unique facades and quality materials (brick types) that are reminiscent of the Victorian history of the area, which are not to repeat more than once along each

streetscape and not use aluminum siding. They concurred that materials should comply with the Olde Towne Design Guidelines. The Commission also concurred that interior facades need not have as much variation, as long as they include painted trims and extend corner details, and that vinyl siding would be appropriate on interior elevations and on the unit row at the rear of the site, since the adjoining Park Station Apartments are in siding. However, they identified units that should have enhanced side/rear elevations due to their visibility, as reflected in the motion below. Commissioner Hopkins suggested adding a crosswalk, stamped with color, at the south entrance off Summit Avenue for pedestrian safety.

Commissioner Levy moved, seconded by Vice-Chair Hicks, to grant SP-05-0011 - Bozutto at North Summit, FINAL PLAN APPROVAL, with the following conditions:

1. Applicant shall submit a revised turning-radii plan, further designating the drive aisles and obtain final approval from the Department of Public Works prior to the issuance of permits;
2. Applicant shall either make the required Transportation Impact fee payment to Montgomery County or make a contribution in the equal amount to the City designated for bike path improvements extending from Park Avenue to Odend'hal Avenue;
3. Applicant shall obtain final forest conservation plan and landscape plan approval from the City's Environmental Specialist prior to the issuance of site work permits;
4. Final lighting plan shall be reviewed and approved by Department of Public Works, Park Maintenance and Engineering (DPWPM&E) prior to the issuance of site work permits. The final plan shall include a plan for a contribution to be held in escrow for the installation of decorative style lights on North Summit Avenue. The amount shall be agreed upon by the applicant and the DPWPM&E;
5. Applicant shall obtain final approval for revised signage, marking and paving plan by DPWPM&E prior to the issuance of site work permits;
6. Final storm water management plan shall be approved by DPWPM&E prior to the issuance of site work permits;
7. Applicant shall continue to participate in the Arts in Public Places program;
8. Applicant shall submit revised details for bench and trash receptacle styles and obtain staff approval prior to issuance of site permits;
9. Applicant shall provide final height details for an aluminum safety fence;
10. Applicant shall provide and designate on the site plan a 10-foot public improvement easement (PIE) and public utility

easement (PUE) along North Summit Avenue and show dedication from the centerline of the road on North Summit Avenue as requested by staff. As part of this plan, the applicant is to work with DPWPM&E to ensure that tree protection areas are maintained;

11. Applicant shall designate edges to be painted on pedestrian paving overlay in the parking lot and add dimensions for the rear parking entrances to Units 17 and 18;
12. Applicant shall submit a revised record plat to be approved by staff and submitted into Montgomery County Land Records;
13. Future requests for community identification signs shall require Planning Commission approval;
14. Applicant shall introduce three additional and unique facades on Park Avenue and North Summit Avenue, and shall not repeat facades more than once;
15. All materials shall be consistent with Olde Towne Design Guidelines on the front and side elevations on Units #1 through #16, and Units #19 through #29; and
16. Applicant shall provide enhanced rear elevations for Units #30 and #31, to be approved by staff.

Vote: 5-0

SDP-05-002 -- Casey West Property  
North of Metropolitan Grove Road  
Design Guidelines  
COMPLIANCE WITH SDP APPROVAL CONDITION

Associate Planner Marsh stated this item is before the Commission in compliance with a condition of the schematic development plan approval granted on August 1, 2005. She stated the subject proposal is for the design guidelines for the proposed development, to be known as Watkins Mill Town Center.

Engineer for the applicant, Gary Unterberg, Rodgers Consulting, Inc., noted that a series of site plan submittals for Phase One of this project would be forthcoming. He identified Phase One as the residential component of the project, which includes townhouses, two-over-two units, and single-family homes. He presented the plan, identifying the residential, retail/commercial and office districts of this transit-oriented mixed-used development. Mr. Unterberg discussed the Design Guidelines document by chapters, including the Key Lot Plan. He provided a brief overview of the architectural guides for each district and noted that the Key Lot Plan would be evolving as the site plans come in for review.

In response to Chair Bauer, Mr. Unterberg discussed the transition from build out to Homeowner Association (HOA) architectural enforcement of the Design Guidelines and indicated that the community would have a system that includes a central architectural review committee. He added that elements not contained in the HOA documents would be subject to Planning Commission review/approval.

The following was public testimony:



October 31, 2006

Via E-Mail

John Bauer, Chairman  
And Members of the Planning Commission  
City of Gaithersburg  
31 South Summit Avenue  
Gaithersburg, MD 20877

RE: Extension Request – **SP-05-0011 Bozzuto at N. Summit**

This letter is in request for a one year extension for the Planning Commission Approval #SP-05-0011 which is due to expire 11/16/2006.

While most of our site work is complete, we have not yet started our buildings; therefore an extension of the site plan approval is necessary.

Sincerely,

Keisha Brown  
Construction Coordinator  
BA Clarksburg Two, LLC  
Bozzuto Homes, Inc.

cc: Jacqueline Marsh  
Clark Wagner

